

## **IC 27-8-23**

Chapter 23. Medical Child Support Provisions of Title XIX of the Federal Social Security Act

### **IC 27-8-23-1**

#### **Applicable provisions**

Sec. 1. IC 12-15-29-9 and IC 12-15-29-10 apply to this chapter.  
*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

### **IC 27-8-23-2**

#### **Applicability of chapter**

Sec. 2. Notwithstanding any other law, this chapter applies to the duty of an insurer to provide family health coverage to a child in accordance with this chapter.  
*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

### **IC 27-8-23-3**

#### **"Child" defined**

Sec. 3. As used in this chapter, "child" refers to a child who is less than eighteen (18) years of age.  
*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

### **IC 27-8-23-4**

#### **"Insurer" defined**

Sec. 4. As used in this chapter, "insurer" has the meaning set forth in IC 12-7-2-120.  
*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

### **IC 27-8-23-5**

#### **Prohibited grounds for denial of coverage**

Sec. 5. An insurer may not deny enrollment of a child under the health coverage of the child's parent on any of the following grounds:

- (1) That the child was born out of wedlock.
- (2) That the child is not claimed as a dependent on the parent's federal income tax return.
- (3) That the child does not reside:
  - (A) with the parent; or
  - (B) in the insurer's service area.

*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

### **IC 27-8-23-6**

#### **Duties of insurer to noncustodial parent**

Sec. 6. Whenever a child has health coverage through an insurer of a noncustodial parent, the insurer shall:

- (1) provide any information to the custodial parent that is necessary for the child to obtain benefits through the coverage;
- (2) permit the custodial parent, or the provider of medical assistance services with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; and

(3) make payments on insurance claims submitted under subdivision (2) directly to the:

- (A) custodial parent;
- (B) provider of the medical assistance services; or
- (C) office of Medicaid policy and planning.

*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

#### **IC 27-8-23-7**

##### **Duties of insurer when parent is ordered to provide coverage for child**

Sec. 7. Whenever a parent is required by a court or an administrative order to provide health coverage for a child and the parent is eligible for family health coverage through an insurer, the insurer:

- (1) shall permit the parent to enroll under the family coverage a child who is otherwise eligible for the coverage, without regard to any enrollment season restrictions;
- (2) shall enroll a child under the family coverage upon application by:
  - (A) the child's custodial parent;
  - (B) the office of Medicaid policy and planning; or
  - (C) a Title IV-D agency;

whenever a noncustodial parent who is enrolled fails to apply for coverage of the child; and

- (3) may not disenroll or eliminate coverage of a child who is otherwise eligible for coverage unless the insurer is provided satisfactory written evidence that:

- (A) the court order or an administrative order is no longer in effect; or
- (B) the child is or will be enrolled in comparable health coverage through another insurer that is to take effect not later than the effective date of the disenrollment.

*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

#### **IC 27-8-23-8**

##### **Requirements imposed by insurer**

Sec. 8. An insurer may not impose requirements on a state agency that has been assigned the rights of a person:

- (1) eligible for assistance under Medicaid; and
- (2) covered for health benefits from the insurer;

that are different from requirements applicable to an agency or assignee of any other person who is covered.

*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*

#### **IC 27-8-23-9**

##### **Delivery of policy**

Sec. 9. A policy of health care coverage shall not be delivered or issued for delivery to any person in Indiana unless the policy complies with this chapter.

*As added by P.L.46-1995, SEC.68 and P.L.133-1995, SEC.20.*